

Docket No.: 13111-00035-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Rainer Stürmer et al.

Application No.: 10/573130

Confirmation No.: 4511

Filed: March 23, 2006

Art Unit: 1625

For: METHODS FOR THE PRODUCTION OF 3-  
METHYLAMINO-1-(THIENE-2-YL)-  
PROPANE-1-OL

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Examiner: T.A. Solola

**RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants thank the Examiner for the telephonic interview of November 4, 2008 where the Information Disclosure Statement mailed June 7, 2006 and remarks made in the Amendment and Reply Under 37 CFR § 1.111 dated June 12, 2008 regarding the Information Disclosure Statement were discussed.

As requested by the Examiner in the telephonic interview, three of the references cited in the Information Disclosure Statement of June 7, 2006 are being resubmitted on the attached Form SB08 because the three references had not been entered by the Examiner in the Office Action mailed December 12, 2007. The Examiner also requested that the remarks related to these references from the Amendment and Reply Under 37 CFR §1.111 dated June 12, 2008 be resubmitted. In response to the references not being entered, Applicants had indicated in Amendment and Reply Under 37 CFR §1.111 dated June 12, 2008 that a concise explanation of relevance of the three references was in the specification.

Applicants respectfully request that these references be considered by the Examiner and made of record. As requested by the Examiner, Applicants have included the remarks presented in the Amendment and Reply Under 37 CFR §1.111 dated June 12, 2008.

A concise explanation of relevance of the three references is found in the specification. The Examiner is directed to the specification at page 3, lines 18-23, which discusses reference CI, and recites that "Thus, in CR Acad. Sci., Ser. C, 1979, 288 (1), 49-52, A. Etienne et al. describe the preparation of the chloropropanone III.1 by means of the Friedel-Crafts reaction of thiophene with 3-chloropropionyl chloride in the presence of aluminum trichloride, as a Lewis acid catalyst, and in nitromethane as solvent. The chloropropanone III.1 is obtained in a yield of only 7%. . . ."


Additionally, reference CK relates to inorganic catalysts suitable for asymmetric synthesis and is discussed in the specification at page 9 line 45 through page 10 line 2, as follows "The asymmetric metal hydrides or semimetal hydrides are preferably asymmetric aluminum hydrides, boron hydrides or silicon hydrides. Suitable asymmetric borohydrides are described, for example, in E. J. Corey, C. J. Helal, *Angew. Chem.* 1998, 110, 2092-2118 or in M. M. Midland, L.A. Morell, *Methoden Org. Chem. [Methods of organic chemistry]*, Houben-Weyl, 4th edtn., volume E 21d, pp. 4082-4098, 1995. . . ."

Furthermore, reference BC relates to methods for immobilizing enzymes and is discussed in the specification at page 14, lines 30-34, as follows "An immobilized enzyme is understood as meaning an enzyme which is fixed to an inert support. Suitable support materials, and the enzymes which are immobilized on them, are known from EP-A-1149849, EP-A-1 069 183 and DE-OS 100193773, and also from the literature references which are cited therein." The specification further recites "The suitable support materials include, for example, clays, clay minerals, such as kaolinite, diatomaceous earth, pearlite, silicon dioxide, aluminum oxide, sodium carbonate, calcium carbonate, cellulose powders, anion exchange materials, synthetic polymers, such as polystyrene, acrylic resins, phenolformaldehyde resins, polyurethanes and polyolefins, such as polyethylene and polypropylene." (See specification at page 14, lines 35-40). Additionally, for the Examiner's convenience, Applicants attach herewith a machine translation of EP-A-1149849 obtained online from the European Patent Office.

Applicants submit that these passages in the specification provide a concise explanation of references BC, CI and CK pursuant to 37 CFR § 1.98(a)(3)(i). Accordingly, Applicants respectfully request that these references be considered by the Examiner and that the references be made of record and appear among the "References Cited" on any patent to issue from this application.

Applicants believe no fee is due with this response because these references were previously submitted on June 7, 2006 and are being resubmitted as requested by the Examiner. However, if a fee is due, the Director is hereby authorized to charge or credit our Deposit Account No. 03-2775, under Order No. 13111-00035-US from which the undersigned is authorized to draw.

Respectfully submitted,

By   
Roberte M. D. Makowski, Ph.D.  
Registration No.: 55,421  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicants